

## Export-Import Bank of the U.S.

## § 405.2

the disclosure is likely to contribute significantly to public understanding of government operations or activities.

(ii) In determining whether disclosure of the information is not primarily in the commercial interest of the requester, Eximbank will consider the following factors:

(A) The existence and magnitude of a commercial interest: Whether the requester has a commercial interest that would be furthered by the requested disclosure; and, if so

(B) The primary interest in disclosure: Whether the magnitude of the identified commercial interest of the requester is sufficiently large, in comparison with the public interest in disclosure, that disclosure is primarily in the commercial interest of the requester.

(2) The requester in all cases has the burden of presenting sufficient evidence or information to justify the requested waiver or reduction. The requester may use the procedures set forth in §404.5 to appeal the denial of a waiver request under this section.

[52 FR 37438, Oct. 7, 1987]

### § 404.7 Annual Report to Congress.

On March 1 of each calendar year, Eximbank will report to Congress on the administration of the public requests for information and records during the prior calendar year.

### § 404.8 Appearances and testimony by Eximbank officers and employees.

Whenever an officer or employee of Eximbank is served with a subpoena demanding the disclosure of the information or the production of files, documents, and records described in this part, or is requested by court, committee or other body to disclose such information, the officer or employee shall promptly inform his superior of the requirements of the subpoena or request and shall ask for instructions from the General Counsel or his designee with respect thereto. Such officer or employee shall appear before the court, committee or body and, if the President and Chairman or his designee has not authorized disclosure, the employee shall respectfully decline to disclose the information or produce the files, documents, and records demanded

or requested, basing such refusal upon this part

[40 FR 7238, Feb. 19, 1975, as amended at 42 FR 56316, Oct. 25, 1977]

## PART 405—PRIVACY ACT RULES

Sec.

405.1 Purpose and scope.

405.2 Procedures for notification of existence of records pertaining to individuals.

405.3 Procedures for requests for access to or disclosure of records pertaining to individuals.

405.4 Correction of records pertaining to individuals.

405.5 Disclosure of records pertaining to individuals to agencies or to individuals other than the individual to whom said records pertain.

AUTHORITY: 5 U.S.C. 552a(f).

SOURCE: 41 FR 19299, May 12, 1976, unless otherwise noted.

### § 405.1 Purpose and scope.

This part sets forth the Eximbank procedures under the Privacy Act of 1974, as required by 5 U.S.C. 552a(f), whereby individuals may safeguard their privacy by obtaining access to and requesting corrections of those records under the control of Eximbank which contain information about them.

### § 405.2 Procedures for notification of existence of records pertaining to individuals.

(a) The systems of records, as defined in the Privacy Act of 1974, maintained by Eximbank are listed annually in the FEDERAL REGISTER as required by that Act. Any individual who wishes to know whether any of these systems of records contains a record pertaining to him or her may either appear in person at Room 1031, 811 Vermont Avenue, NW., Washington, DC 20571, on work days between the hours of 8:45 a.m. and 5:00 p.m. or may write to the Vice President—Administration, Export-Import Bank of the United States, 811 Vermont Avenue, NW., Room 1031, Washington, DC 20571. It is recommended that requests be made in writing, as it will not always be possible to determine the existence of a